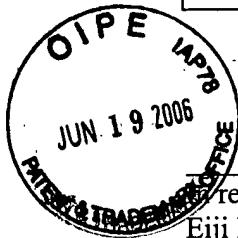


06-21-06

DAC  
ZJW

Express Mail Label No. EV682425076US Dated: June 19, 2006

Docket No.: APW-022  
(PATENT)



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re Patent Application of:  
Eiji Hashimoto *et al.*

Application No.: 10/656382

Confirmation No.: 8525

Filed: **September 5, 2003**

Art Unit: 2121

For: **CONTROL SYSTEM FOR PLANT**

Examiner: S. Chang

**PETITION TO CONSIDER CORRESPONDENCE AS HAVING BEEN  
FILED IN THE U.S. PATENT OFFICE ON THE  
U.S. POSTAL SERVICE DEPOSIT DATE PURSUANT TO 37 C.F.R. § 1.10**

Mail Stop Petition  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby requests that the correspondence attached hereto as Exhibit A be granted a filing date of **June 2, 2006**, the date the correspondence was deposited with the United States Postal Service in a properly addressed "Express Mail Post Office to Addressee" envelope.

On **June 2, 2006**, the correspondence having printed thereon Express Mail Label No. EV682327825US was deposited the United States Postal Service for Express Mail service to the MS Amendment, COMMISSIONER FOR PATENTS, PO BOX 1450, ALEXANDRIA VA 22313-1450. On June 3, 2006, the United States Postal Service erroneously delivered the correspondence to the sender identified in the Express Mail Label No. EV682327825US, namely, LAHIVE & COCKFIELD LLP, 28 State ST FL 24, BOSTON MA 02109-1784. Subsequently, Applicants' representative investigated the cause of the error with the U.S. Postal Service and was unable to determine an exact cause.

In support of their request for granting of a timely filed reply that was returned to the sender by the United States Postal Service due to a United States Postal Service error, Applicants submit herewith, copies of the following documents as evidence of the actual filing

date of **June 2, 2006** for the above-referenced correspondence with the United States Postal Service Post Office to Addressee Express Mail Service.

(1) A true copy of the originally deposited papers constituting the correspondence deposited with the United States Postal Service on **June 2, 2006**, and bearing a Rule 10 certification of Express Mailing (Express Mail Label No. EV682327825US), indicating that the reply filing package was deposited with the United States Postal Service on **June 2, 2006**. The correspondence includes a Mailroom Postcard, a Transmittal Form, a Fee Transmittal (in duplicate), an Amendment and Response, a First Terminal Disclaimer and a Second Terminal Disclaimer (Attached hereto as Exhibit A containing 15 pages); and

(2) A true copy of the "Express Mail" mailing label No. EV682327825US from the Express Mail Envelope showing the United States Postal Service date in of **June 2, 2006**, and addressed to MS Amendment, COMMISSIONER FOR PATENTS, PO BOX 1450, ALEXANDRIA VA 22313-1450 (Attached hereto as Exhibit B containing 2 pages). This true copy, together with item (1) establish that the instant correspondence was deposited with the United States Postal Service "Express Mail" Post Office to Addressee Service on **June 2, 2006** and is therefore entitled to a filing date of **June 2, 2006**.

In summary, Applicant respectfully requests that the present Petition be granted and that the filing date of the correspondence be granted a filing date of **June 2, 2006**.

Dated: June 19, 2006

Respectfully submitted,

By David R Burns  
David R. Burns  
Registration No.: 46,590  
LAHIVE & COCKFIELD, LLP  
28 State Street  
Boston, Massachusetts 02109  
(617) 227-7400  
(617) 742-4214 (Fax)  
Attorney for Applicants

EXHIBIT A

Atty Docket No.: APW-022

**Inventor:** Eiji HASHIMOTO *et al.*

**Application No.:** 10/656382-Conf. #8525

**Filing Date:** September 5, 2003

**Title:** CONTROL SYSTEM FOR PLANT

**Documents Filed:**

Fee Transmittal (1 page) in duplicate

Amendment in Response to Non-Final Office Action (10 pages)

2 Terminal Disclaimers (2 pages)

Transmittal (1 page)

Charge \$260.00 to deposit account 12-0080

Return Receipt Postcard

**Via:** Express Mail: Airbill No. EV682327825US

**Sender's Initials:** DRB/jll

**Date:** June 2, 2006

## EXHIBIT A

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# TRANSMITTAL FORM

*(to be used for all correspondence after initial filing)*

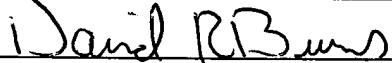
Total Number of Pages in This Submission

Application Number	10/656382-Conf. #8525
Filing Date	September 5, 2003
First Named Inventor	Eiji HASHIMOTO
Art Unit	2121
Examiner Name	S. Chang
Total Number of Pages in This Submission	Attorney Docket Number APW-022

**ENCLOSURES (Check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input checked="" type="checkbox"/> Terminal Disclaimer (2)	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	LAHIVE & COCKFIELD, LLP		
Signature			
Printed name	David R. Burns		
Date	June 2, 2006	Reg. No.	46,590

## EXHIBIT A

PTO/SB/17 (12-04v2)

Approved for use through 7/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

<b>Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</b>		<b>Complete if Known</b>	
		Application Number	10/656382-Conf. #8525
		Filing Date	September 5, 2003
		First Named Inventor	Eiji HASHIMOTO
		Examiner Name	S. Chang
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Art Unit	2121
<b>TOTAL AMOUNT OF PAYMENT</b>	<b>(\$)</b> <b>260.00</b>	Attorney Docket No.	APW-022

**METHOD OF PAYMENT** (check all that apply)

<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card	<input type="checkbox"/> Money Order	<input type="checkbox"/> None	<input type="checkbox"/> Other (please identify): _____
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>12-0080</u> Deposit Account Name: <u>Lahive &amp; Cockfield, LLP</u>				

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

<input type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<b>Application Type</b>	<b>FILING FEES</b>		<b>SEARCH FEES</b>		<b>EXAMINATION FEES</b>		<b>Fees Paid (\$)</b>
	<b>Fee (\$)</b>	<b>Small Entity</b>	<b>Fee (\$)</b>	<b>Small Entity</b>	<b>Fee (\$)</b>	<b>Small Entity</b>	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)

<b>Small Entity</b>	
<b>Fee (\$)</b>	<b>Fee (\$)</b>
50	25
200	100
360	180

Each independent claim over 3 (including Reissues)

Multiple dependent claims

<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	<b>Multiple Dependent Claims</b>	
<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
20	- =	x	=		
5	- =	x	=		

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
	- 100 =	/50 (round up to a whole number) x		=

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 1814 Statutory Disclaimers (2)

260.00

**SUBMITTED BY**

Signature	<u>David R. Burns</u>	Registration No. (Attorney/Agent)	46,590	Telephone	(617) 227-7400
Name (Print/Type)	David R. Burns			Date	June 2, 2006